

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4235 of 1983

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

- =====
1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgements?
  2. To be referred to the Reporter or not? : NO
  3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
  4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge? : NO

-----  
GODHRA MUNICIPALITY

Versus

STATE OF GUJARAT  
-----

Appearance:

MR SB VAKIL for Petitioners  
MR BD DESAI, AGP for Respondent Nos.1 & 2  
MR SN SHELAT for Respondent No. 3  
-----

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 24/03/2000

ORAL JUDGEMENT

In this petition under Article 226 of the  
Constitution filed in the year 1983, petitioners  
challenged the order dated 31.7.1983 of the Collector,

Panchmahals setting aside the Resolution No.324-46 dated 23.3.1983 passed by the General Board of the Godhra Municipality.

2. Since the wards of the Municipality were not reconstituted on account of nonavailability of census figures as per 1981 census, the State Government had decided in the year 1982 to appoint an Administrator upon the expiry of the term of the Municipality. The Municipality challenged the said decision in Special Civil Application No.3574 of 1982. Ultimately, as per the order passed in the said petition, the Government agreed to extend the term of the Municipality till 30.4.1983. Even, thereafter, there were some disputes between the Municipality and the State Government, and therefore, the Municipality passed the above numbered resolution on 23.3.1983 resolving to challenge the ordinance passed by the State Government on 2.11.1983 for appointment of an Administrator and also to incur all necessary expenses for engaging an advocate for consultation and for instituting legal proceedings before this court as well as before the Hon'ble Supreme Court and the President and Chief Officer were authorised to take necessary steps and to incur necessary expenses.

3. By the impugned order dated 31.7.1983, the Collector set aside the said resolution. Hence, the present petition was filed for challenging the said order of the Collector.

4. Now, when the petition has come up for hearing, it has obviously become infructuous, because subsequently the elections were held and today also there is an elected body for running the affairs of the Municipality. It is, therefore, not necessary to examine the contentions raised in the petition on merits. The petition is accordingly dismissed as having become infructuous. Rule is discharged. Ad-interim relief granted earlier stands vacated.

\*\*\*\*\*

(pathan)